

A U S T I N C I T Y C O U N C I L

# AGENDA



Thursday, March 01, 2007

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**Zoning Ordinances / Restrictive Covenants**  
**(HEARINGS CLOSED)**  
**RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No 50**

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**Subject** C14-05-0186 - 404 Sterzing - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 404 Sterzing (Town Lake Watershed) from general commercial services (CS) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning First reading approved on March 9, 2006 Vote 6-0 (Kim off the dais)  
Applicant Marjorie Saad Agent John Wooley City Staff Robert Heil, 974-2330

**Additional Backup  
Material**

(click to open)

**Staff Report and  
Ordinance**

**For More Information**

## SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER C14-05-0186 - 404 Sterzing

REQUEST Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 404 Sterzing (Town Lake Watershed) from general commercial services (CS) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning Zoning and Platting Commission Recommendation To grant general commercial services-conditional overlay (CS-CO) combining district zoning Applicant Marjorie Saad Agent John Wooley City Staff Robert Heil, 974-2330

APPLICANT/AGENT John Wooley

OWNER Marjorie Saad

DATE OF FIRST READING First reading on 3/9/6 on consent

ZONING AND PLATTING COMMISSION ACTION February 7, 2006 Approved staff's recommendation of CS-CO on consent (8-0)

### ISSUES

Conditional overlay limits the property to no more than 650 trips

First reading on 3/9/6 on consent Neighborhood support Related to C14-05-0189 (below) and C14-05-0188 which will expire

### CITY COUNCIL ACTION

### ORDINANCE NUMBER

ASSIGNED STAFF Robert Heil, e-mail [robert heil@ci austin tx us](mailto:robert.heil@city.austin.tx.us)

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 404 STERZING STREET FROM GENERAL  
3 COMMERCIAL SERVICES (CS) DISTRICT TO GENERAL COMMERCIAL  
4 SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT.

5  
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
7

8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
9 change the base district from general commercial services (CS) district to general  
10 commercial services-conditional overlay (CS-CO) combining district on the property  
11 described in Zoning Case No C14-06-0186, on file at the Neighborhood Planning and  
12 Zoning Department, as follows  
13

14 A 0.5122 acre tract of land, more or less, out of the Isaac Decker League Survey,  
15 being a portion of the Ferris and Saad Addition in the City of Austin, more  
16 particularly described by field notes in a deed of record in Document No  
17 20005090340 of the Official Public Records of Travis County, Texas (the  
18 "Property"),  
19

20 locally known as 404 Sterzing Street, in the City of Austin, Travis County, Texas, and  
21 generally identified in the map attached as Exhibit "A"  
22

23 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
24 established by this ordinance is subject to the following conditions  
25

26 A site plan or building permit for the Property may not be approved, released, or  
27 issued, if the completed development or uses of the Property, considered cumulatively with  
28 all existing or previously authorized development and uses, generate traffic that exceeds  
29 650 trips per day  
30

31 Except as specifically restricted under this ordinance, the Property may be developed and  
32 used in accordance with the regulations established for the general commercial services  
33 (CS) base district and other applicable requirements of the City Code  
34  
35  
36  
37

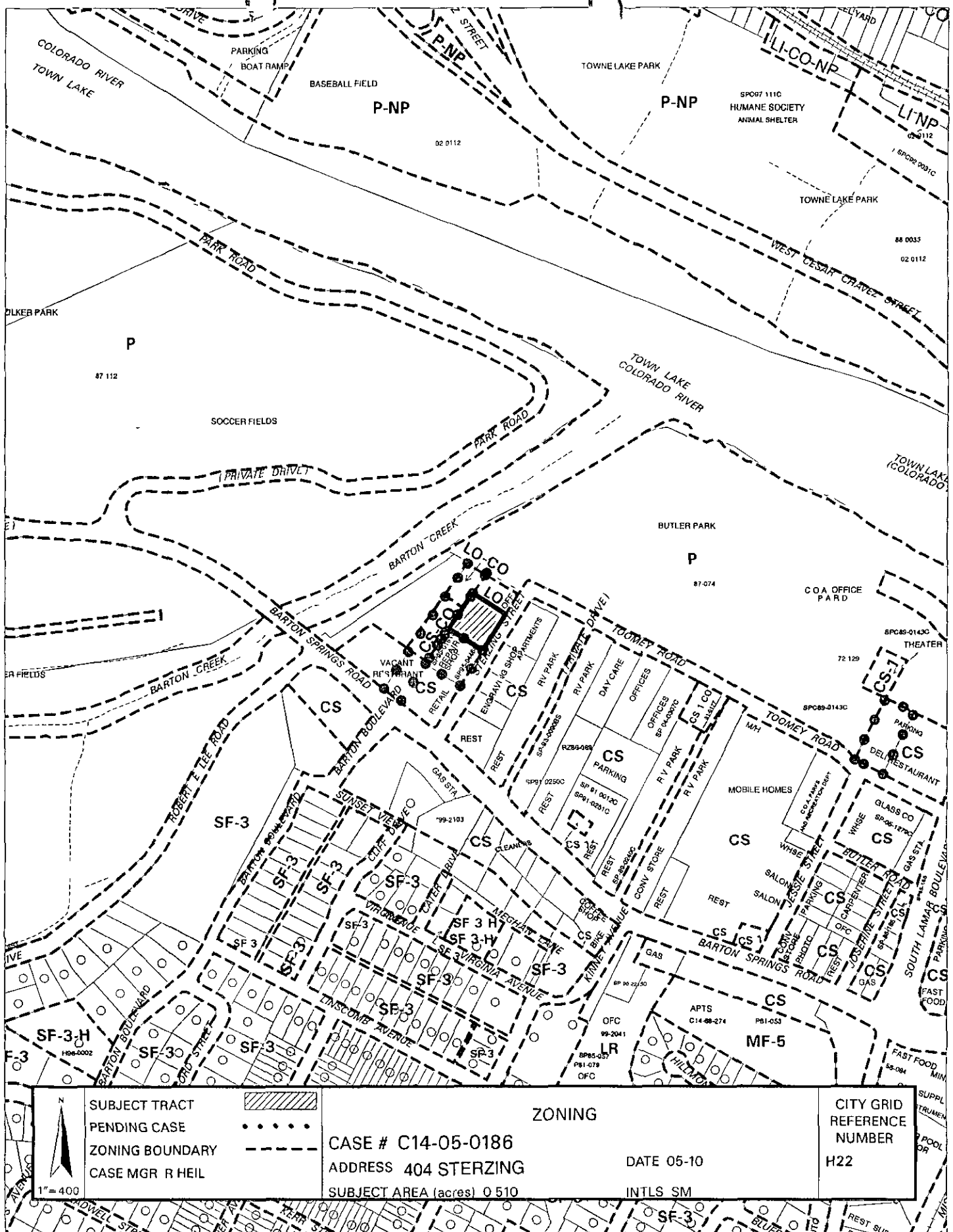
1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2007

2  
3  
4 **PASSED AND APPROVED**

5  
6 §  
7 §  
8 \_\_\_\_\_, 2007 § \_\_\_\_\_

9 Will Wynn  
10 Mayor

11  
12  
13 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
14 David Allan Smith Shirley A Gentry  
15 City Attorney City Clerk



## ZONING CHANGE REVIEW SHEET

**Note** Because both these cases are so closely related, a single zoning change review sheet has been prepared for both cases to facilitate discussion

**ZAP Date** February 7, 2006

<u>CASE</u>	<u>ADDRESS</u>	<u>OWNER</u>	<u>REQUEST</u>	<u>AREA</u>
C14-05-0186	404 Sterzing	Majorie Saad	CS to CS-CO	0.510 acres
C14-05-0189	1900 Barton Spgs	John Wooley	CS-CO & LO-CO to CS-CO	0.960 acres
<b>TOTAL</b>				<b>1.470 acres</b>

**AGENT** John Wooley

### **STAFF RECOMMENDATION**

Staff recommends general commercial services – conditional overlay (CS-CO) combining district zoning for all three cases. The conditional overlay would limit the maximum daily vehicle trips to less than 650 per day on each tract.

### **PLANNING COMMISSION RECOMMENDATION**

**February 7, 2006 APPROVED STAFF'S RECOMMENDATION FOR CS-CO DISTRICT ZONING ON BOTH CASES, BY CONSENT [M.HAWTHORNE, J PINNELLI 2<sup>ND</sup>] (6-0) K JACKSON, J MARTINEZ, J GOHIL – ABSENT**

### **DEPARTMENT COMMENTS**

The original application for both cases was for downtown mixed-use (DMU) district zoning for all three cases. The applications were made prior to the beginning of the Zilker neighborhood plan. Since then Zilker has begun its neighborhood planning process, and the applicant has attended the early meetings. In part based on the results of those meetings, the applicant has formally amended his request to CS-CO on both cases.

A third zoning change application, case C14-06-0188 was submitted with these two cases, but the applicant is no longer pursuing this request, and has decided to allow this case to expire.

The waterfront overlay allows residential uses as a permitted use in CS districts, and it is the applicant's intent to build a mix-use project on these tracts.

The conditional overlay would limit the maximum daily vehicle trips to less than 650 per day on each property. The applicant offered to sign a public restrictive covenant to limit the total vehicle trips from all three sites originally under consideration to less than 2000 per day, and staff has incorporated this offer into a conditional overlay limiting the trip generation to 650 per property.

The original CO on the C14-05-0189 limits the F A R of the property located at 1900 Barton Springs to 0.21 (1/5) floor area ratio (Ordinance 880929-GG), and specifies allowable noise levels at the property line. The allowable floor area ratio under CS zoning is 2.1. The lifting of the restrictive FAR cap will not result in an overdeveloped property, as total development density

will be addressed by the trip limit enforced through the new conditional overlay and the proposed public restrictive covenant. The noise restrictions are now covered by the City of Austin's noise ordinance, and are no longer needed in the conditional overlay.

The site is partially undeveloped, and also contains a bicycle repair shop.

### **EXISTING ZONING AND LAND USES**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS, CS-CO and LO-CO	Undeveloped, Bicycle Repair Shop
<i>North</i>	P	Butler Park
<i>South</i>	CS	Restaurant, Bicycle Sales, Gas Station
<i>East</i>	CS	Restaurants
<i>West</i>	P	Barton Creek, Town Lake Trail, and Zilker Park

**AREA STUDY** The property lies within the Zilker Creek Neighborhood Planning Area, which began its neighborhood plan in October 2005.

**TIA** N/A (The applicant has agreed to limit vehicle trips)

**WATERSHED** Town Lake **DESIRED DEVELOPMENT ZONE** Yes

**CAPITOL VIEW CORRIDOR** No **HILL COUNTRY ROADWAY** No

### **REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS**

- Zilker Neighborhood Association
- South Bank Alliance
- Austin Neighborhoods Council
- South Central Coalition
- Save Our Springs Alliance
- Barton Springs/Edwards Aquifer Conservation District

### **SCHOOLS (AISD)**

Zilker Elementary School      O Henry Middle School      Austin High School

### **ABUTTING STREETS.**

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	SIDEWALKS	BICYCLE PLAN
Barton Springs Rd	Varies	Varies	Arterial	Yes	Yes	Yes
Sterzing Street	50'	30'	Collector	No	Yes	No

C14-05-0186, C14-05-0188, C14-05-0189

**CITY COUNCIL DATE**

**ACTION**

**March 9, 2006**

**Approved CS-CO on consent**

**March 1, 2007**

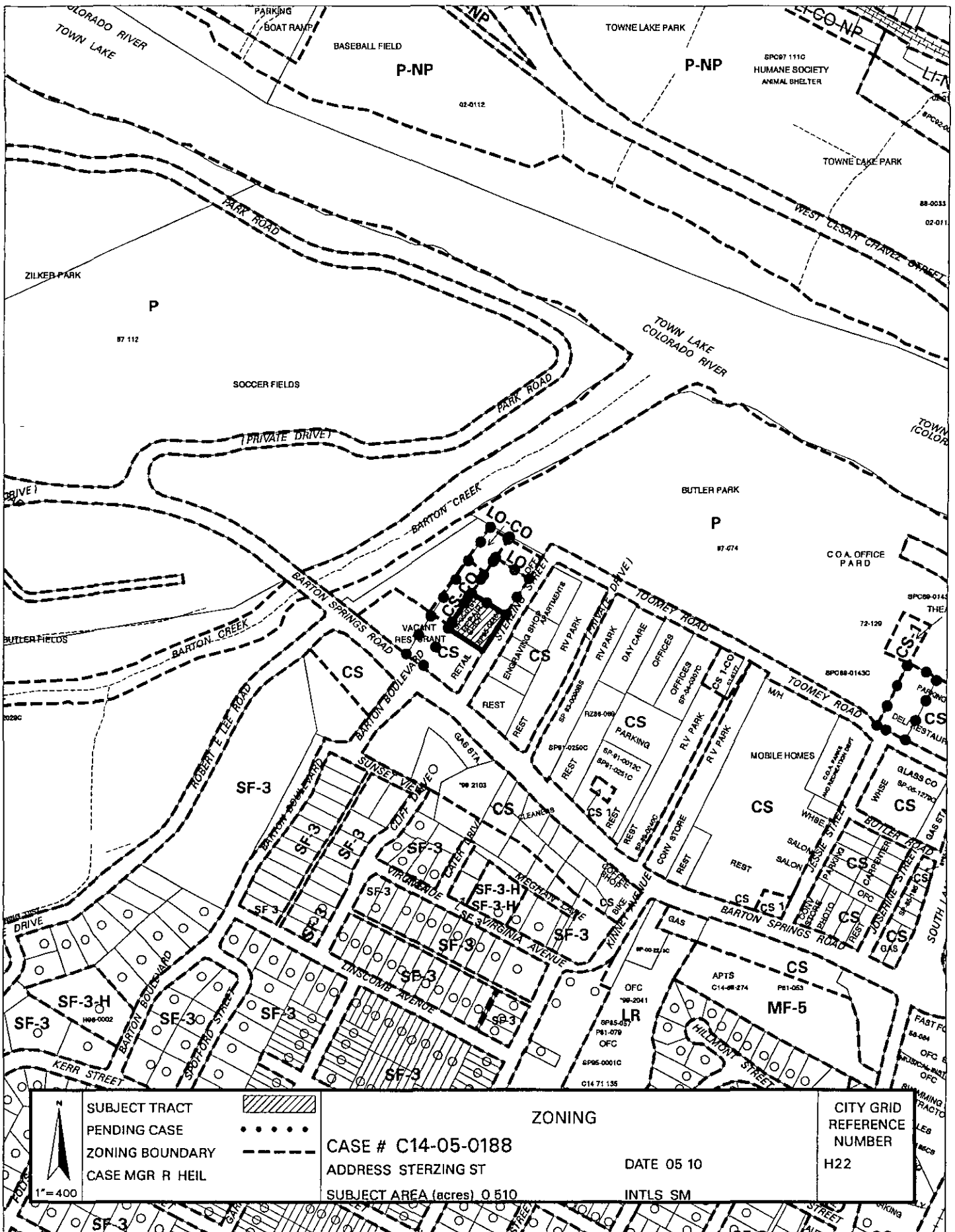
**ORDINANCE READINGS**    1<sup>st</sup> 3/9/06    2<sup>nd</sup>    3<sup>rd</sup>

**ORDINANCE NUMBER**

**CASE MANAGER** Robert Heil  
e-mail address robert.heil@ci.austin.tx.us

**PHONE** 974-2330





### **SUMMARY STAFF RECOMMENDATION**

Staff recommends general commercial services – conditional overlay (CS-CO) combining district zoning for all three cases. The conditional overlay would limit the maximum daily vehicle trips to less than 650 per day on each tract.

### **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

- 1 Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The change from LO to CS zoning is consistent with other land uses along Barton Springs and will allow for the construction of an appropriately scaled mixed-use project on the site.

### **EXISTING CONDITIONS**

The site is partially undeveloped and also contains a bicycle repair shop.

Although the sites lie very close to Barton Creek, the drainage is part of the Town Lake watershed. This determination was verified by the City's environmental officer, Pat Murphy.

### **Transportation**

No additional right-of-way is needed at this time.

For each case trip generation under the requested zoning is estimated to be over 2,000 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The developer proposes to construct 128 dwelling units on 3 tracts (C14-05-0186, C14-05-0188 and C14-05-0189). This proposal will generate approximately 920 trips per day.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day total for all three zoning cases associated with this project (C14-05-0186, C14-05-0188 and C14-05-0189) [LDC, 25-6-117].

### **Existing Street Characteristics**

NAME	ROW	PAVEMENT	CLASSIFICATION	CAPITAL METRO	SIDEWALKS	BICYCLE PLAN
Barton Springs Rd	Varies	Varies	Arterial	Yes	Yes	Yes
Sterzing Street	50'	30	Collector	No	Yes	No

### **Environmental**

Although the sites lie very close to Barton Creek, the drainage is part of the Town Lake watershed. This determination was verified by the City's environmental officer, Pat Murphy.

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls for all development and/or redevelopment when 5,000 s f cumulative is exceeded and detention for the two-year storm. Due to the proximity to Town Lake, on-site water quality controls will be required.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

### **Site Plan**

This site is located within a Waterfront Overlay, Butler Shores subdistrict, any new development would be required to comply with 25-2-175. FYI - In the Butler Shores, and City Hall Waterfront Overlay subdistricts, at least 50 percent of the net usable floor area of a structure adjacent to Town Lake must be used for pedestrian-oriented uses. [Section 25-2-691, 692]

The site is subject to compatibility standards. Along the south property line, the following standards apply: for the height of a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, can be 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive. Additional design regulations will be enforced at the time a site plan is submitted.

**CITY ZONING AND PLATTING COMMISSION****February 7, 2006****CITY HALL – COUNCIL CHAMBERS****301 W. 2<sup>nd</sup> Street***[Annotations & Zoning Summaries]*

CALL TO ORDER – 6 00 P M

**COMMENCED 6 18 P M****ADJOURNED 7 13 P M**

\_\_\_\_ Betty Baker - Chair

\_\_\_\_ Melissa Hawthorne – Assist Secretary

\_\_\_A\_\_\_ Jay Gohl

\_\_\_A\_\_\_ Keith Jackson - Parliamentarian

\_\_\_\_ Stephanie Hale

\_\_\_A\_\_\_ Joseph Martinez – Vice-Chair

\_\_\_\_ Clarke Hammond – Secretary

\_\_\_\_ Janis Pinnelli

\_\_\_\_ Teresa Rabago

**CONDUCT OF PUBLIC HEARINGS**

- 1 Chair announces request
- 2 Staff presents a summary of the case
- 3 Chair calls on those FAVORING the request
- 4 Applicant's presentation (5 minutes)
- 5 Others favoring the request (3 minutes)
- 6 Chair calls on those OPPOSING the request
- 7 Primary presentation (5 minutes)
- 8 Others opposing the request (3 minutes)
- 9 Applicant is given opportunity to answer objections stated (3 minutes)
- 10 Staff summation and questions from the Commission
- 11 The public hearing on a zoning case may be closed and no further testimony is taken from the public
- 12 If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation (Section 25-2-282)

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda, "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

**CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION MUST REGISTER BY SIGNING A LIST AT THE ENTRANCE (RED BOOK)**

Any interested party aggrieved by a decision of the Zoning & Platting Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Zoning & Platting Commission.

The Commission may recommend additional future land use designations that have not been requested or future land use designations that are more or less intensive than the requested future land use. The

Facilitator Don Perryman

City Attorney Alison Gallaway, 974-2671

**6 00 P.M****PUBLIC HEARING****A. REGULAR AGENDA****EXECUTIVE SESSION (No public discussion)**

The Zoning & Platting Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Zoning & Platting Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding **any other** item on this agenda.

Private Consultation with Attorney – Section 551.071

**CITIZEN COMMUNICATION:**

- 1 The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

***NO SPEAKERS***

**APPROVAL OF MINUTES**

- 2 Approval of minutes from January 31, 2006

***APPROVED MINUTES FOR JANUARY 31, 2006, BY CONSENT***

***[M HAWTHORNE, J PINNELLI 2<sup>ND</sup>] (6-0) K JACKSON, J MARTINEZ, J GOHIL – ABSENT***

**DISCUSSION AND ACTION ON ZONING CASES**

- |                    |  |
|--------------------|--|
| <b>3. Rezoning</b> | <b>C14-05-0186 - 404 Sterzing</b>  |
| Location           | 404 to 408 Sterzing St, Town Lake Watershed  |
| Owner/Applicant    | Majorie Saad   |
| Agent              | John Wooley  |
| Postponements      | Postponements from 11/15/05 (applicant), Postponed from 1/17/06 (applicant)            |
| Request            | <b>CS to CS-CO</b>   |
| Staff Rec          | <b>RECOMMENDED</b>   |
| Staff              | Robert Heil, 974-2330, robert.heil@ci.austin.tx.us<br>Neighborhood Planning and Zoning |

***APPROVED STAFF'S RECOMMENDATION FOR CS-CO DISTRICT ZONING, BY CONSENT***

***[M HAWTHORNE, J PINNELLI 2<sup>ND</sup>] (6-0) K JACKSON, J MARTINEZ, J GOHIL – ABSENT***

## Closed Caption Log, Council Meeting, 3/09/06 (excerpt)

**Note** Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes** For official records or transcripts, please contact the City Clerk at (512) 974-2210

Greg Guernsey THANK YOU, MAYOR LET ME CONTINUE ON TO THE ZONING ITEMS 6, 7 AND 8 BE RELATED ITEMS, Z-6 IS C-14-05-0186 LOCATED AT 404 STERZING THIS IS A REQUEST FROM CS ZONING TO CS-CO THE ZONING AND PLATTING COMMISSION RECOMMENDED THAT ZONING ITEM NUMBER Z-7 IS CASE C-14-05-0188, 410 STERLING FOR THE PROPERTY LOCATED AT 410 STER DLEEVMENT ZING THE ZONING AND PLATTING COMMISSION ALSO RECOMMENDED THIS REZONING REQUEST CASE C-14-05-0189, 1900 BARTON SPRINGS ROAD, THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY OR CS-CO ZONING AND LIMITED OFFICE CONDITIONAL OVERLAY OR LO-CO ZONING TO GENERAL COMMERCIAL SERVICES ZONING THE ZONING AND PLATTING COMMISSION RECOMMENDED THIS ITEM REGARDING ITEM Z-1, Z-7 AND Z-8, THE APPLICANT AND A NEIGHBORHOOD REPRESENTATIVE WOULD LIKE TO MAKE A COUPLE OF BRIEF COMMENTS IT'S MY UNDERSTANDING THAT BOTH PARTIES STILL AGREE THAT THIS COULD BE A CONSENT ITEM, BUT BOTH WANT TO JUST MAKE A VERY SHORT STATEMENT FOR THE RECORD SO LET ME JUST READ THE REST OF THESE ITEMS AND THEN YOU CAN COME BACK AND LISTEN TO THOSE TWO SHORT STATEMENTS AND VOTE ON THE REMAINDER OF THE CONSENT AGENDA I'LL PAUSE HERE AND IF WE CAN INVITE THE APPLICANT AND THE NEIGHBORHOOD REPRESENTATIVE TO SPEAK TO ITEM Z-6, Z-7 AND Z-8, I THINK WE CAN STILL OFFER THOSE AS CONSENT ITEMS

Mayor Wynn OFFER THEM AS CONSENT ON FIRST READING ONLY?

Greg Guernsey FIRST READING ONLY FOR THOSE THREE

Mayor Wynn I THINK MR JEFF JACK IS REPRESENTING THE NEIGHBORHOOD I DON'T KNOW ABOUT THE APPLICANT

Greg Guernsey MR JOHN WOOLLY IS REPRESENTING

Jeff Jack MAYOR AND COUNCILMEMBERS, I'M JEFF JACK, PRESIDENT OF THE ZILKER NEIGHBORHOOD ASSOCIATION WE'VE BEEN WORKING WITH THE APPLICANT, JOHN WOOLLY, ON THIS PROJECT FOR SOME TIME WE JUST WANTED TO COMMENT THAT THE NEGOTIATIONS WERE SUCCESSFUL WITH REGARD TO SUPPORTING HIS PROJECT AND THEN WE FOUND OUT THAT LAST WEEK HE PASSED THE VERTICAL MIXED USE ORDINANCE AND WE WERE CONCERNED WHETHER OR NOT THAT CHANGED THE AMOUNT OF BUILDABLE AREA THAT COULD POSSIBLY BE BUILT UNDER THIS PARTICULAR ZONING CASE WE'VE TALKED TO MR WOOLLY ABOUT IT, WE'VE TALKED TO CITY STAFF ABOUT IT THERE IS ONE LITTLE DIFFERENCE WITH REGARD TO THE SETBACKS ON STERZING THE APPLICANT HAS INDICATED THAT THAT'S NOT SOMETHING THAT THEY'RE GOING TO AVAIL THEMSELVES TO AND THEY'RE

PROCEEDING WITH THE PROJECT BASED ON THE DESIGN THAT WE HAD ORIGINALLY DISCUSSED WITH THEM UNDER THAT UNDERSTANDING WE SUPPORT THE PROJECT

Mayor Wynn THANK YOU, MR JACK WELCOME MR WOOLLY

JOHN WOOLEY FOR THE APPLICANT JUST TO CONFIRM FOR THE RECORD THAT WE'RE IN AGREEMENT WITH THE NEIGHBORHOOD OF PROCEEDING WITH THE PROJECT UNDER THE REQUIREMENTS OF THE WATERFRONT OVERLAY AND NOT CHANGING THE SETBACKS AS MIGHT BE ALLOWED UNDER THE VERTICAL MIXED USE

Mayor Wynn FAIR ENOUGH THANK YOU, JOHN QUESTIONS OF THE APPLICANT OR NEIGHBORHOOD, COUNCIL? IF NOT THEN THE PROPOSED CONSENT AGENDA WILL BE TO CLOSE THE PUBLIC HEARING ON THESE CASES WHERE WE WILL TAKE ACTION TO APPROVE AMENDING THE RESTRICTIVE COVENANTS FOR CASES Z-1, Z-2 AND Z-3 TO APPROVE ON ALL THREE READINGS CASE '62 '62 '62 5 TO APPROVE ON FIRST READING ONLY CASE Z-7, Z-8 AND Z-10 I'LL ENTERTAIN A MOTION MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER MCCracken TO APPROVE THE CONSENT AGENDA AS READ FURTHER COMMENTS? COUNCILMEMBER ALVAREZ